

Appl. No. 09/938,205  
Amdt. dated Monday, October 20, 2003  
Reply to Official Action of July 29, 2003

#### **Remarks**

The Office Action, dated July 29, 2003, has been carefully considered. The claims have been amended to more clearly set forth the Applicants' contributions to the art and do not introduce new matter into the disclosure of the invention.

Claims 1-71 remain in the present application. New claims 72-77 have been added. The basis for these additional claims can be found in paragraph 0105 of the Specification.

Claims 12 and 13 have now been canceled.

The Examiner has acknowledged that claims 5-6, 8, 12-16, 23, 29, 53-55 and 65, although objected to as being dependent upon a rejected base claim, would be allowable subject matter if rewritten in independent form including all of the limitations of the base claim and intervening claims.

#### **Rejection Under 35 U.S.C. 102**

In the Office Action, the Examiner has now rejected claims 1-4, 7, 9-12, 17-22, 24-28, 30-52, 56-64, 66-67 and 69-71 under 35 USC 102(b) as being anticipated by Japanese Pat. No. JP 08-325482A, Nippon Paint Co. LTD. ("JP'482").

The main independent claim 1 has now been amended to incorporate the limitations found in previous claim 13, which was indicated as being allowable subject matter by the Examiner.

New claims 72-77 have been added. The JP '168 reference teaches a method for treating an aluminum substrate with a solid resin composition that includes 0.1-5 weight percent of an antibacterial zeolite. New claims 72 and 73 are limited to a coating wherein the content of the antibiotic powder is at least about 5 weight percent based on the final, dried film weight of the polymeric coating.

New claim 74 is limited to a base metal selected from the group consisting of aluminum, iron, nickel, titanium, molybdenum, magnesium, manganese, copper, silver, lead, tin, chromium, beryllium, tungsten, cobalt and alloys thereof. New claim 75 is limited to pretreating at least one planar surface of the substrate to create a chemical conversion

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interlayer coating formed by contacting the metal with an aqueous phosphating composition comprising phosphoric acid and a divalent metal ion selected from the group consisting of Mg, Ca, Sr, and Ba. New claim 76 is limited to an anti-microbial powder comprising core particles associated with a first and second antimicrobial metal component, wherein the core particles retain the first antibacterial metal ions at ionic exchange sites of the particles. New claim 77 is limited to cleaning the surface of the substrate by deoxidizing the surface by immersion in an acid solution, and rinsing in water.

In view of the above, it is respectfully submitted that the claims as amended and presented before the Examiner are in condition for allowance. Accordingly, it is respectfully requested that a timely Notice of Allowance be issued in this case.

It is believed that extra fees are due for the claims as five additional independent claim has been added and one additional dependent claim. For this and any other fee due, the Assistant Commissioner for Patents is authorized to charge any deficiency or credit any overpayment to Frost Brown Todd LLC Deposit Account No. 06-2226.


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